



DEPARTMENT OF THE ARMY
OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
9301 CHAPEK ROAD
FORT BELVOIR VA 22060-5527

March 11, 2019

SAAA-LS

Trevor Ball
Muckrock News
DEPT MR 67900
411A Highland Avenue
Somerville, MA 02144
Sent via email: 67900-79458058@requests.muckrock.com

Dear Mr. Ball:

This letter is in response to your Freedom of Information Act (FOIA) request dated January 23, 2019. You are seeking the FOIA request log for 2018. Your request was assigned our office tracking number FA-19-0054.

We are releasing an excel spreadsheet to you with partial redactions responsive to your FOIA request. All redactions and withholdings have been made pursuant to Exemption (b)(6) of the FOIA, as described below.

Exemption 6 of the FOIA 5 U.S.C. § 552(b)(6)

Exemption (b)(6) of the FOIA protects from mandatory disclosure "personnel and medical files the disclosure of which would constitute a clearly unwarranted invasion of privacy." 5 U.S.C. § 552(b)(6) (2011). To qualify for protection under Exemption (b)(6), records must meet two criteria: (1) they must be "personnel and medical files and similar files," (2) the disclosure of which "would constitute a clearly unwarranted invasion of personal privacy." *Id.*; *United States Dep't of State v. Washington Post Co.*, 456 U.S. 595, 599-603 (1982). The first prong is met if the information "appl[ies] to a particular individual" and is "personal" in nature. *New York Times Co. v. NASA*, 852 F.2d 602, 606 (D.C. Cir. 1988). The second prong requires courts to strike a "balance between the protection of an individual's right to privacy and the preservation of the public's right to government information." *United States Dep't of State v. Washington Post Co.*, 456 U.S. 595, 599 (1982). The "public interest" in the analysis is limited to the "core purpose" for which Congress enacted the FOIA: to "shed . . . light on an agency's performance of its statutory duties." *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989).

We are withholding third party names and the names of personnel, other than Senior Executive Service members and General Officers and contact information for all Army personnel (e.g., e-mail addresses, direct-line telephone numbers) under Exemption 6 to protect personal privacy. See *Judicial Watch, Inc. v. United States*, No. 03-1160, 2004 WL 26736, at *4 (4th Cir. Jan. 6, 2004). Under the Exemption (b)(6) balancing test, the Supreme Court held in a similar case that disclosure of employee addresses "would not appreciably further the citizens' right to be informed about what their Government is up to and, indeed, would reveal little or nothing about the employing agencies or their activities." *United States Dep't of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487 (1994). The same is true here. Disclosure of the

names, contact and personal information of government employees would contribute little to the public's understanding of government activities. By contrast, such disclosure would constitute a "non-trivial" and "not insubstantial" invasion of government employees' privacy interests. Id. at 500, 501.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Army FOIA Public Liaison Officer, Alecia Bolling, by email at us.army.hqda-aaa-ahs.mbx.rmda-foia-public-liaison@mail.mil or by phone at (571) 515-0306. Additionally, you may contact the Office of Government Information Services (OGIS) at the national Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: NARA-OGIS, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at ogis@nara.gov, telephone number (202) 741-5770 toll free at (877) 684-6448 or by facsimile at (202) 741-5769.

This partial denial has been made on behalf of the Administrative Assistant to the Secretary of the Army, who has designated that this office will act as the Initial Denial Authority for records maintained by the Office of the Secretary of the Army and its serviced activities. You have the right to file an administrative appeal with the Office of the Army General Counsel within ninety (90) calendar days. See 32 C.F.R. § 518.17(c). Their mailing address is:

Department of the Army
Office of the General Counsel
104 Army Pentagon, Room 2E724
Washington, D.C. 20310

If you have any questions regarding this letter or the information furnished please contact this office at (703) 614-5871 or email at usarmy.belvoir.hqda-aaa-rpa.mbx.aaa-cals-mailbox-foia@mail.mil. In all correspondence please refer to FOIA number FA-19-0054.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul V. DeAgostino", with a long horizontal flourish extending to the right.

Paul V. DeAgostino
Senior Counsel

Enclosure(s): excel spreadsheet